IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.2317 OF 2004

Mr.P.S.Dani for the Petitioner.

Dr.V.K.Chaudhari for the Respondent No.1.

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions	Court's or Judge's orders
	CORAM: D.K.DESHMUKH, J.
	DATED: 13TH APRIL,2005

P.C.:

Interim injunction that the Petitioner is seeking from the Appellate Court is that the proceedings for recovery of amount of loan taken by the Petitioner from the Respondent/ Bank should not be initiated. Surely, an interim order of such nature cannot be passed by the court. All defences that may be available to the Petitioner are capable of being raised in the recovery proceedings that may be initiated by the Bank. In any case

if the Petitioner has paid certain amounts to the Bank, the Petitioner can get decree to that effect from the Co.operative Court and can claim adjustment from the Bank, but for that purpose the recovery proceedings cannot be be withheld. View taken by the Appellate court cannot be faulted. Petition is rejected.

...